

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FIRST NATIONAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

v.

C. GRANTHAM COMPANY, INC., C.
GRANTHAM WASTE, INC., JLQ, INC.,
GRANTHAM LOGISTICS, INC., and JIM
QUIRIN,

Defendant.

Case No. 3:08-cv-781-GPM-DGW

ORDER

On April 21, 2011, the Court set a hearing on a pending Motion to Withdraw as Attorney filed by Attorney Steven M. Wallace (Doc. 79). The Court ordered Defendant Jim Quirin to appear in person. The Court held the hearing on May 10, 2011. Defendant Quirin did not appear (Doc. 81). The Court granted the Motion to Withdraw as Attorney. On May 19, 2011, the Court entered an Order to Show Cause (Doc. 83). The order set a hearing for June 21, 2011, and required that Defendant Jim Quirin appear in person. Defendant Quirin did not appear (Doc. 84). The Court granted leave for Plaintiff to file affidavits and exhibits and informed the parties that a Report and Recommendation for sanctions against Defendant Quirin would issue thereafter (Doc. 84). On July 8, 2011, before the Court had prepared the Report and Recommendation, Attorney Ronald E. Jenkins entered his appearance on behalf of Defendant Quirin (Doc. 88).

Now pending before the Court is Defendant Jim Quirin's Motion to Set Aside the Order to Show Cause (Doc. 89). Defendant Quirin argues that he did not receive notice of the Court's orders setting hearings and requiring him to appear. Defendant Quirin asserts that as soon as he


received notice of the additional court filings from counsel for the Plaintiff, he retained an attorney to appear on his behalf. Defendant Quirin requests the Court to set aside the Order to Show Cause and set a new hearing. That motion is **GRANTED**.

It is hereby **ORDERED** that the Order to Show Cause (Doc. 83) and the Court's statement of its intent to issue a Report and Recommendation regarding sanctions against Defendant Quirin (Doc. 84) are **VACATED**.

It is **FURTHER ORDERED** that a hearing on the Plaintiff's Application for Writ of Garnishment (Doc. 75) is set for **August 25, 2011, at 2:00 p.m.** in the East St. Louis Federal Courthouse. Defendant Jim Quirin is **ORDERED to appear in person** at the hearing, accompanied by his attorney. Defendant Quirin shall be prepared to respond to the Interrogatories Directed to Garnishee filed as an exhibit to the Application for Writ of Garnishment (Doc. 75-2) and shall bring with him documents supporting his answers to the interrogatories.

IT IS SO ORDERED.

DATED: July 22, 2011


DONALD G. WILKERSON
United States Magistrate Judge